

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHELLE SMITH, for S.L.I., III,  
Plaintiff,  
v.  
COMMISSIONER OF SOCIAL  
SECURITY,  
Defendant.

Case No. 1:25-cv-00791-HBK

ORDER DIRECTING PLAINTIFF TO SHOW  
CAUSE WHY CLAIMS BROUGHT ON  
BEHALF OF MINOR PLAINTIFF SHOULD  
NOT BE DISMISSED FOR LACK OF  
ATTORNEY

AUGUST 7, 2025 DEADLINE

Plaintiff Michelle Smith is proceeding pro se in this action challenging the denial of social security benefits on behalf of her son S.L.I., III. (Doc. No. 1). Plaintiff simultaneously filed a motion to proceed *in forma pauperis*, and a motion to “represent” her son in this matter. (Doc. Nos. 2, 3).

It is well-settled in the Ninth Circuit that “a parent or guardian cannot bring an action on behalf of a minor child without retaining a lawyer.” *Johns v. County of San Diego*, 114 F.3d 874, 877 (9th Cir. 1997); *see also Grizzell v. San Elijo Elementary School*, 110 F.4th 1177, 1181 (9th Cir. 2024), *cert denied sub nom.* No. 24-812, 2025 WL 1426678 (U.S. May 19, 2025) (noting other circuits have “acknowledged concerns” about the counsel mandate with regard to a pro se parent proceeding on behalf of a child in federal court, but finding they are “bound by *Johns*,


1 which holds that a parent may not proceed pro se on her children's behalf"); *Belle v. Berryhill*,  
 2 2019 WL 12433360, at \*1 (D. Nev. Jan. 18, 2019) (noting plaintiff cannot challenge denial of  
 3 social security benefits on behalf of her minor child, and giving plaintiff a deadline to advise the  
 4 court if she would retain counsel). Thus, the Court orders Plaintiff to show cause why Plaintiff's  
 5 claims on behalf of her minor son should not be dismissed because S.L.I., III is not represented by  
 6 a lawyer.

7 Additionally, the Court directs Plaintiff to consider the privacy protections for court  
 8 filings under Federal Rule of Civil Procedure 5.2(a)(3) and Local Rule 140. Pursuant to Federal  
 9 Rule of Civil Procedure 5.2(a)(3), "[u]nless the court orders otherwise," a filing may include only  
 10 a minor's initials. Moreover, under Local Rule 140(a)(i), unless the Court orders otherwise,  
 11 "when filing documents, counsel and the Court shall omit or, where reference is necessary,  
 12 partially redact [minor's names] from all pleadings, documents, and exhibits...." Further, the  
 13 Court will not "as a matter of course seal on its own motion documents containing personal data  
 14 identifiers, or redact documents, whether filed electronically or on paper." L.R. 140(e). This  
 15 Order will refer to the minor referenced in the instant motion by his initials "S.L.I., III."

16 Accordingly, it is **ORDERED**:

- 17 1. Plaintiff shall file a written response to this order on or before **August 7, 2025** showing  
 18 cause why the claims of minor S.L.I., III should not be dismissed without prejudice  
 19 because Plaintiff has no authority to represent S.L.I., III. Alternatively, if counsel enters  
 20 an appearance on behalf of S.L.I., III within this time period, the Court will vacate the  
 21 order to show cause.
- 22 2. Plaintiff is directed to consult Federal Rule of Civil Procedure 5.2 and Local Rule 140.
- 23 3. Failure to comply with this order will result in a recommendation that this action be  
 24 dismissed for failure to prosecute and/or comply with the Court's order.

25  
 26 Dated: July 17, 2025

27   
 28 HELENA M. BARCH-KUCHTA  
 UNITED STATES MAGISTRATE JUDGE